



Senate

General Assembly

File No. 289

February Session, 2014

Substitute Senate Bill No. 405

Senate, April 2, 2014

The Committee on Planning and Development reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PUBLIC HEARINGS ON SUBDIVISION APPLICATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 8-26 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2014*):

4 (c) The commission [may] shall not hold a public hearing regarding
5 any subdivision proposal [if, in its judgment, the specific
6 circumstances require such action] and shall approve any such
7 proposal that complies with the regulations. No plan of resubdivision
8 shall be acted upon by the commission without a public hearing. Such
9 public hearing shall be held in accordance with the provisions of
10 section 8-7d.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2014</i>	8-26(c)
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PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
Various Municipalities	Savings	Less than \$1,000	Less than \$1,000

Explanation

The bill prohibits a planning commission from holding a public hearing on a subdivision proposal. There is a minimal savings to municipalities, estimated at less than \$1,000, associated with not having to hold a public hearing.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 405*****AN ACT CONCERNING PUBLIC HEARINGS ON SUBDIVISION APPLICATIONS.*****SUMMARY:**

This bill prohibits a municipal planning commission from holding a public hearing on a subdivision proposal. Under current law, a commission may hold a public hearing if it determines circumstances require it. This prohibition applies to all municipalities, regardless of whether they zone under the statutes or a special act.

As under current law, a commission cannot act on a resubdivision plan without a public hearing.

EFFECTIVE DATE: October 1, 2014

BACKGROUND***Definition of Subdivision and Resubdivision***

“Subdivision” means the division a land parcel into three or more lots after adoption of subdivision regulations, for the purpose of sale or building development, except development for municipal, conservation, or agricultural purposes. “Resubdivision” means a change in an approved or recorded subdivision map that (1) affects street layout; (2) affects an area reserved for public use; or (3) diminishes a lot’s size and creates an additional building lot, if any of the lots shown on the map were conveyed after the map’s approval or recording (CGS § 8-18).

Commission’s Discretion to Reject Proposal Limited

The Connecticut Supreme Court has held “[a] planning commission may neither approve nor disapprove subdivision plans until after it

has adopted regulations to guide it in its approval or disapproval. The necessary implication of the statute is, therefore, that in passing upon such plans the commission is to be controlled by regulations which it has adopted. Any subdivision plan...which complies with those regulations must be approved by the commission" (*Beach v. Planning & Zoning Commission*, 141 Conn. 79, 83-84 (1954)). This decision has been cited in a number of subsequent land use decisions.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 10 Nay 8 (03/21/2014)